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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/677,759 | 10/02/2003 | Sidney Edward Fisher | 60,130-1900 | 4928 |
| 26096 | 7590 | 07/12/2005 | EXAMINER | |
| CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009 | | | BOSWELL, CHRISTOPHER J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/677,759 | FISHER, SIDNEY EDWARD | |
| | Examiner | Art Unit | |
| | Christopher Boswell | 3676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 June 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) 13-25 and 28 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12, 26 and 27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/26/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 13-25 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 28, 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Number 2002/0074809 to Fisher, in view of U.S. Patent Number 1,583,806 to Snyder.

Fisher discloses the invention substantially as claimed. Fisher discloses a door latch assembly having a release lever (18) movable about a release axis (B), a lock lever (24) movable about a lock lever axis (D), where the release lever and the lock lever are movable between a latched unlocked position (figure 1), a latched locked position (figure 2), and an unlatched position (figure 4), and a resilient assembly (28) connected between the release lever and the lock lever, where the force of the resilient member moves the release lever relative to the lock lever when the lock lever and the release lever are in the unlatched position (paragraph 38), as in

claim 1, wherein the resilient assembly acts in a non-resilient manner when the release lever and lock lever move from the latched unlocked position to the latched locked position and vice-versa (paragraph 23), as in claims 2 and 3. However, Fisher does not disclose the feature of the resilient assembly. Snyder teaches of a resilient assembly having a first retainer (1) having a first seat (1c) and a first load application feature (3), a second retainer (2) having a second seat (2c) and a second load application feature (4), wherein the first seat and the second seat face each other (figure 1), and a resilient member (5) supported between the first seat and the second seat and positioned between the first load application feature and the second load application feature (figure 1) in the analogous art of resilient assemblies for the purpose of a resilient device that is readily yieldable in a lengthwise direction both under pulling and end-thrust strains for reducing incidental shock (lines 4-9). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the resilient member of Snyder into the door latch assembly of Fisher in order to have the resilient member readily yieldable in a lengthwise direction both under pulling and end-thrust strains for reducing incidental shock.

Snyder further teaches of the first and second retainers both include a recess that receives a portion of the resilient member (figures 1 and 2), as in claim 4, as well as the recess having an additional seat (1b and 2b), and where the resilient member is mounted between the first and second seats, and the additional seat (figure 1), as in claim 5, and where the first and second seat and the additional seat hold the resilient member in a pre-loaded position (lines 28-37), as in claim 6, and the additional seat comprises a first additional seat (1b) and a second additional seat (2b), and the first retainer comprises the first additional seat and the second retainer comprises

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the second additional seat, as in claim 7, where the first seat and the second seat and the first additional seat and the second additional seat are arranged to allow lost motion between one of the first retainer and the second retainer and the resilient member (lines 51-58), as in claim 8, and where the first seat and the second seat and the first additional seat and the second additional seat are arranged to preload the resilient member (lines 28-37), as in claim 9.

Snyder also teaches of the first retainer having a first projection (the rod that extends through the resilient member) that projects from the first seat and a first additional projection that projects from the first additional seat, where the resilient member is mounted on the first projection and the first additional projection (figure 1), as in claim 10, as well as the second retainer having a second projection (the rod that extends through the resilient member) that projects from the second seat and a second additional projection that projects from the second additional seat (figure 1), and where the resilient member is mounted on the first projection and the first additional projection of the first retainer and the second projection and the second additional projection of the second retainer, where the first projection overlaps with the second projection (figure 2), as in claims 11 and 12, wherein the first retainer and the second retainer surrounds the resilient member (figure 1), as in claims 26 and 27. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate features of the resilient member of Snyder into the door latch assembly of Fisher in order to have the resilient member readily yieldable in a lengthwise direction both under pulling and end-thrust strains for reducing incidental shock.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to door latch assemblies and resilient lost motion devices:

U.S. Patent Number 6,729,663 to Fisher, U.S. Patent Number 6,609,737 to Fisher, U.S. Patent Number 6,419,211 to Hvittfeldt et al., U.S. Patent Number 6,345,583 to Thackston et al., U.S. Patent Number 5,884,827 to Stein, U.S. Patent Number 2,724,463 to Becker, U.S. Patent Number 1,994,322 to O'Neil, U.S. Patent Number 1,779,663 to Cowell, U.S. Patent Number 854,087 to Hainlin, U.S. Patent Number 656,382 to Westinghouse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
July 7, 2005

Brian M
BRIAN E. GLESSNER
PRIMARY EXAMINER